

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JEREMY C. CLARK,

Petitioner,

v.

CIVIL ACTION NO. 5:06-cv-00023

TODD R. CRAIG,
Warden, FCI Beckley,*

Respondent.

MEMORANDUM OPINION

Pending before the Court are Petitioner's Application to Proceed *in Forma Pauperis* [Docket 2] and Application Under 28 U.S.C. § 2241 for Writ of *Habeas Corpus* by a Person in State or Federal Custody [Docket 1]. By Standing Order entered on July 2, 2004, and filed in this case on January 10, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R [Docket 7] on December 22, 2008, recommending that this Court **DENY** Petitioner's application to proceed *in Forma Pauperis*, **DISMISS** Petitioner's 2241 application, and remove this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to

* When Plaintiff filed this civil action, Charles T. Felts was serving as the Warden of FCI Beckley. Because Todd R. Craig has since been designated as the warden, he is substituted as the Defendant in this action pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

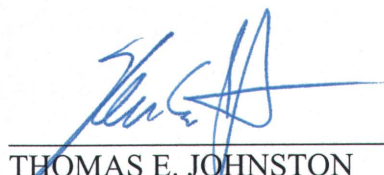
which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Petitioner's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by January 13, 2009, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 7] in its entirety, **DENIES** Petitioner's application to proceed *in Forma Pauperis* [Docket 2], and **DISMISSES** Petitioner's Application under 28 U.S.C. § 2241 for Writ of *Habeas Corpus* by a Person in State or Federal Custody [Docket 1]. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 20, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE